REMARKS

Claims 1-18 are pending in the application. Claims 15-18 are allowed and claims 1-14 are rejected.

In the previous response of May 14, 2003 applicant submitted substitute formal drawings. The Office Action still is objecting to the drawings. It is respectfully requested that the drawing rejection be withdrawn in light of the previous filing of formal substitute drawings.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Rao, et al (5,514,612) (Rao). Claims 6-8 and 11-13 are rejected under 35 U.S.C. 103(a) as unpatentable over Sawahashi, et al. (Sawahashi) in view of Rao.

In the Office Action, it's asserted that the applicant's admitted prior art and Sawahashi do not disclose subtracting only the interference replicas of the high rate channels from the received signals. However the Office Action present the Rao to teach this feature.

Applicant respectfully submits that Rao does not teach subtracting only the interference replicas of the high rate channels from the received signals with regard to the combination of features claimed in the interference canceller device DS-CDMA Communication System with low rate channel and high rate channels. There is no suggestion to make such a combination even if each element was disclosed and no reasonable expectation of success.

Rao discloses a semiconductor device, which has a register, a capacitor, a Schottky diode, and an ESD protection device all formed on a single semiconductor substrate for reducing EMI/RFI. In col. 1, lines 33-37, 46-51, Rao merely states that high-speed data lines in computers that operate at very high frequencies produce EMI/RFI and it is desirable to have counter measures, which suppress the EMI/RFI.

Merely stating that it is desirable to have counter measures, which suppress the EMI/RFI is far from suggesting the feature of applicant's claimed invention of subtracting interference replicas in a DS-CDMA communication system and also certainly would not lead one skill in the art to make applicant's claimed invention without undue experimentation

Rao does not suggest anything about "subtracting interference replicas in a DS-CDMA communication system". The reference only describes the desire for suppressing EMI/RFI produced by high speed data lines. There is no teaching of an interference replica unit creating interference replicas of the high rate channels from the receive signals.

The Office Action asserts that "subtracting only the interference replicas of the high rate channels from the received signals" is a well-known technique introduced in many references.

However, applicant respectfully disagrees because replicas of all channels (including high rate channels and low rate channels) are subtracted in the conventional interference canceller. The Office Action provides no reference introducing the feature because as pointed out above Rao does not teach or suggest this feature.

Therefore it is submitted that it would not have been obvious to subtract only the interference replicas of the high rate channels from the received signals in a DS-CDMA communication system even through the DS-CDMA communication system includes low rate channels in addition to the high rate channels.

Even if Rao did teach subtracting only the interference replicas of the high rate channels from the received signals in a DS-CDMA communication system which Rao does not there is no suggestion in Rao that such a technology could be readily adapted without undue experimentation to form the unique combination of features in applicant's claims. The technical field is completely different between Rao (semiconductor device) and the present invention (DS-

CDMA communication system). Thus, there is no motivation to apply Rao to modify a DS-CDMA and no suggestion which would lead one skilled in the art to make such a combination of prior art. Thus even if all the elements were present in the cited references, it is well-established that a combination of limitations, some of which separately may be known, may be a new combination of limitations which is nonobvious under the condition of 35 U.S.C. 103. Moreover, "an examiner may often find every element of a claimed invention in the prior art." In re Rouffet, 47 USPQ3d 1453, 1457 (Fed. Cir. 1998) (reversing PTO obviousness rejection based on lack of suggestion or motivation to combine reference).

Therefore even if every element of a claimed invention is in the combined prior art there must be some suggestion or motivation to combine the references. "Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form must nevertheless be 'clear and particularity.'" In re Dembiscak, 175 F.3d 994, 999 (CAFC 1999).

The only such suggestion provided has been from applicant's own disclosure. The Office Action only recites that it is "well-known" without providing any reference to judge this assertion by.

Claims 9 and 10 are rejected as unpatentable over Sawahashi and Rao and further in view of applicant's admitted prior art. Claim 14 is also deemed unpatentable over Sawahashi in combination with Rao and further in view of Forrsen, et al.

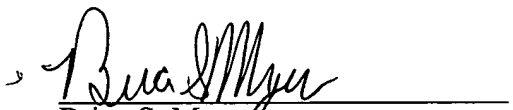
For at least the reasons that Sawahashi, Rao and applicant's admitted prior art do not in combination suggest applicant's claimed features, the rejections should be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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